



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JAN 23 2015

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 4665 2387

Shawn Fry, Director
Chenango County Department of Public Works
79 Rexford Street
Norwich, NY 13815

**RE: Request for Information (RFI) Pursuant to Section 308 of the Clean Water Act
Chenango County Landfill (NYR00A517)
Docket No. CWA-IR-15-015**

Dear Mr. Fry:

On July 17, 2014, the United States Environmental Protection Agency (EPA) conducted a Compliance Evaluation Inspection (CEI) at the Chenango County Landfill facility located on or near County Route 47 in Norwich, New York (the "Facility"). The purpose of the CEI was to evaluate the Facility's compliance with the New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP or "Permit").

The EPA is charged with the protection of human health and the environment under the Clean Water Act (CWA or Act), 33 U.S.C. §§ 1251 *et seq.* Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides that whenever it is necessary to carry out the objectives of the CWA, including determining whether or not a person/agency is in violation of Section 301 of the CWA, 33 U.S.C. § 1311, the EPA shall require the submission of any information reasonably necessary to make such a determination. Under the authority of Section 308 of the CWA, EPA may require the submission of information necessary to assess the compliance status of any facility and its related appurtenances.

You are hereby required, pursuant to Section 308(a) of the CWA, 33 U.S.C. § 1318(a), to submit to EPA the following information regarding the subject Facility no later than **forty-five (45) calendar days** of receipt of this RFI:

1. A formal, written response to the enclosed CEI Report (including photo documentation, where applicable) that describes how the Potential Noncompliance Items and Areas of Concern have been or will be addressed;
2. Copies of annual comprehensive site compliance inspections performed in accordance with Part IV.A of the Permit from January 2010 to present; and

3. Documentation of corrective actions, SWPPP revisions and additional sampling performed in response to exceedance(s) of any numeric effluent limitation(s), in accordance with Part IV.B.1.e.(5) of the Permit, from January 2010 to present.

All information required to be submitted by this RFI shall be sent by certified mail or its equivalent to the following address:

Douglas McKenna, Chief
Water Compliance Branch
Division of Enforcement and Compliance Assistance
United States Environmental Protection Agency
290 Broadway, 20th Floor
New York, NY 10007-1866

Any documents to be submitted by you must be sent by certified mail or its equivalent and shall be signed by an authorized representative of the respective entity (see 40 C.F.R. § 122.22), and shall include the following certification:

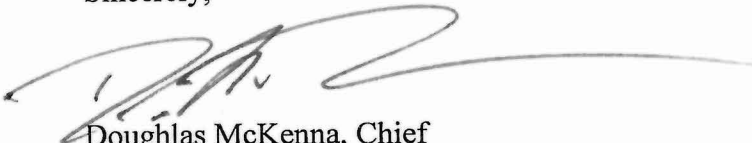
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitted false information, including the possibility of fine and imprisonment for knowing violations."

Failure to provide the required information may subject the facility to civil/criminal penalties pursuant to Section 309 of the CWA. Failure to comply with the RFI shall also subject the Facility to ineligibility for participation in work associated with Federal contracts, grants or loans.

Enclosed is a copy of the CEI Report detailing EPA's findings from the July 17, 2014 CEI.

If you have any questions regarding this Request for Information or the enclosed CEI Report, please feel free to contact Katherine Mann of my staff via phone at (212) 637-4226 or via email at mann.katherine@epa.gov.

Sincerely,



Douglas McKenna, Chief
Water Compliance Branch

Enclosure

cc: Joseph DiMura, P.E, Director, Bureau of Water Compliance Programs, NYSDEC
w/enclosure



United States Environmental Protection Agency
Washington, D.C. 20460
Water Compliance Inspection Report

Form Approved.
OMB No. 2040-0057

Section A: National Data System Coding (i.e., PCS)

Transaction Code		NPDES										yr/mo/day		Inspection Type		Inspector		Fac Type											
1	N	2	5	3	N	Y	R	0	0	A	5	1	7	11	12	1	4	0	7	1	7	17	18	C	19	R	20	1	
Remarks																													
21																													
Inspection Work Days		Facility Self-Monitoring Evaluation Rating										B1		QA		-----Reserved-----													
67		1		69				70				71				72				73		74				75		80	

Section B: Facility Data

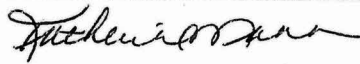

Name and Location of Facility Inspected (for industrial users discharging to POTW, also include POTW name and NPDES permit number)		Entry Time/Date		Permit Effective Date	
Chenango County Landfill County Route 47 Norwich, NY 13815		10:30 AM / 7/17/14		1/30/2013	
		Exit Time/Date		Permit Expiration Date	
		3:00 PM / 7/17/14			
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)		Other Facility Data			
Kevin Loomis, Landfill Supervisor, 607-337-1769		SIC Code: 4953 Lat, Long: 42.570920, -75.676484			
Name, Address of Responsible Official/Title/Phone and Fax Number(s)					
Shawn Fry, Director Chenango County Department of Public Works 79 Rexford Street Norwich, NY 13815 607-337-1710					
		Contacted			
		Yes x No			

Section C: Areas Evaluated During Inspection (Check only those areas evaluated)

<input checked="" type="checkbox"/> Permit	<input type="checkbox"/> Flow Measurement	<input type="checkbox"/> Operations & Maintenance	<input type="checkbox"/> CSO/SSO (Sewer Overflow)
<input checked="" type="checkbox"/> Records/Reports	<input type="checkbox"/> Self-Monitoring Program	<input type="checkbox"/> Sludge Handling/Disposal	<input type="checkbox"/> Pollution Prevention
<input checked="" type="checkbox"/> Facility Site Review	<input type="checkbox"/> Compliance Schedules	<input type="checkbox"/> Pretreatment	<input type="checkbox"/> Multimedia
<input type="checkbox"/> Effluent/Receiving Water	<input type="checkbox"/> Laboratory	<input checked="" type="checkbox"/> Storm Water	<input type="checkbox"/> Other:

Section D: Summary of Findings/Comments (Attach additional sheets of narrative and checklists as necessary)

See attached report.

Name(s) and Signature(s) of Inspector(s)		Agency/Office/Phone and Fax Numbers		Date	
 Katherine Mann, Physical Scientist		EPA/DECA-WCB/ (212) 637-4226 Fax (212) 637-3953		1/13/15	
Signature of Management Q/A Reviewer		Agency/Office/Phone and Fax Numbers		Date	
 Justine Modigliani, Chief, Compliance Section		EPA/DECA-WCB/ (212) 637-4268 Fax (212) 637-3953		1/22/15	

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2, DECA-WCB
20th Floor, 290 Broadway, NY, NY 10007

COMPLIANCE EVALUATION INSPECTION REPORT

Compliance Evaluation Inspection: Chenango County Landfill	
Inspection Date: July 17, 2014	Inspection Time: 10:30 AM – 3:00 PM
EPA Inspector: Katherine Mann, Physical Scientist, USEPA Region 2, DECA, Water Compliance Branch, (212) 637-4226	
NYSDEC Representative: Not present	
Facility Representative: Kevin Loomis, Landfill Supervisor, 607-337-1769	
Site Information: Chenango County Landfill County Route 47 Norwich, NY 13815 SPDES No. NYR00A517	
Owner/Operator/Permittee: Chenango County Department of Public Works 79 Rexford Street Norwich, NY 13815	
SIC Code:	4953 (Refuse Systems) – MSGP Sectors LF (Landfills) and N-1 (for outfall 001 only)

A. INTRODUCTION:

On July 17, 2014, the United States Environmental Protection Agency ("EPA") conducted a Compliance Evaluation Inspection ("CEI") at the Chenango County Landfill located on County Route 47 in Norwich, New York (the "Site" or "Facility"). The Facility is owned and operated by the Chenango County Department of Public Works. Upon arrival, the EPA inspector presented credentials to Mr. Kevin Loomis, Landfill Supervisor, and performed a site walk-through/drive-through at the Facility with Mr. Loomis. Weather conditions at the time of the inspection were dry, sunny and approximately 72°F.

The Site is approximately 143 acres with approximately 34 acres of active landfill. There are two (2) permitted stormwater outfalls at the Facility, 001 and 002, which receive stormwater runoff from approximately 64.2 acres and 10.3 acres, respectively. Stormwater discharging from outfalls 001 and 002 flows to an unnamed tributary of Fly Meadow Creek, which flows through the southern portion of the Site. Stormwater runoff can also discharge via sheet flow from the

western portion of the Site to wetlands, which discharge to the unnamed tributary of Fly Meadow Creek.

The Chenango County Department of Public Works submitted a Notice of Intent ("NOI") to the New York State Department of Environmental Conservation ("NYSDEC") to continue coverage under the current Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (GP-0-12-001) ("MSGP" or "Permit") in December 2012. The NYSDEC received the NOI on December 31, 2012, and coverage for the Facility under GP-0-12-001 went into effect thirty (30) days later, on January 30, 2013. The current MSGP became effective on October 1, 2012 and expires on September 30, 2017. Prior to GP-0-12-001, the Facility had coverage under previous versions of the Permit, including GP-0-11-009, GP-0-06-002 and GP-98-03. GP-0-11-009 expired on September 30, 2012. It was preceded by GP-0-06-002, which became effective on March 28, 2007 and expired on March 27, 2012. GP-0-06-002 was preceded by GP-98-03, which became effective on November 1, 1998, expired on November 1, 2003, and was administratively extended by NYSDEC until the issuance of GP-0-06-002.

B. FINDINGS & OBSERVATIONS:

During the CEI, EPA reviewed records available on-site, including the Stormwater Pollution Prevention Plan ("SWPPP") (revised December 2012), routine weekly inspections, quarterly visual monitoring records, annual dry weather monitoring records and training records. In addition to conducting weekly visual inspections, the Facility also measures conductivity and Total Dissolved Solids ("TDS") on a weekly basis in Stormwater Ponds A and B, which are located immediately upstream of Outfalls 001 and 002, respectively.

Annual certifications and Discharge Monitoring Reports ("DMRs"), which include annual benchmark monitoring and numeric effluent sampling results, were not available for review at the time of the CEI but were provided electronically for 2009 – 2013 following the CEI. Based on review of the DMRs provided, there were no exceedances of benchmark cut-off concentrations or numeric effluent limits from 2010 – 2013 with the exception of the following:

- 63% exceedance of the 30-day average Total Suspended Solids ("TSS") numeric effluent limit for outfall 001 in 2011
- 35% exceedance of the benchmark cut-off concentration for iron for outfall 001 in 2011
- 5% exceedance of the benchmark cut-off concentration for iron for outfall 002 in 2011

The 2011 annual certification states, "Iron historically exceeds benchmark values. Please refer to annual reports." Annual comprehensive compliance inspection reports, prepared in accordance with Part IV.A.2 of the MSGP, were not available for review at the time of the CEI or included in the electronic submittal to EPA subsequent to the CEI.

The following potential noncompliance items and area of concern were identified at the time of the CEI or during review of materials thereafter:

Potential Noncompliance Items

1. In accordance with Part III.A of the Permit, a SWPPP shall be developed and implemented by the owner or operator for each facility covered by the Permit. At a minimum, the SWPPP is required to include the items identified in Part III.C and Part VIII (Sector-Specific Requirements) of the Permit. Based on review of the SWPPP available at the time of the CEI, as well as observations made during records review and the Facility walk-through, the Facility failed to develop and/or implement the following SWPPP elements, as required by Part III.A of the Permit:
 - a. Part III.C.7 of the Permit requires that the SWPPP documents the location and type of Best Management Practices ("BMPs") installed and implemented at the facility to achieve the non-numeric effluent limits stipulated in Part I.B.1.a.(2) of the Permit, including minimizing exposure of material storage areas to rain, snow, snowmelt and runoff (see Part I.B.1.a.(2).(a) of the MSGP). As identified in photographs P7170319 and P7170320, a compost pile was located adjacent to stormwater Pond A at the time of the CEI. The compost pile is not addressed in the SWPPP as a potential pollutant source, and BMPs were not implemented to minimize the exposure of the compost pile to stormwater.
 - b. Part 3.12.1 of the SWPPP states that the Facility uses covers over containment bins, dumpsters and roll off boxes to minimize stormwater contact with pollutants. In addition, Part VIII (Sector-Specific Requirements – Sector N-1) of the Permit requires that the Facility provide totally enclosed drop off containers for the public whenever possible. As identified in photographs P7170328, P7170329 and P7170334, scrap metal dumpsters were uncovered, and refrigerators/air conditioners were stored on the pavement where they are exposed to stormwater at the time of the CEI.
 - c. Among other things, Part 3.7 of the SWPPP states that the Facility is inspected daily for garbage, waste and floatable debris, and any waste identified onsite is immediately picked up and placed in covered waste containers. As identified in photographs P7170344, P7170346 and P7170347, floatable debris was observed at the foot of the temporarily capped area up gradient of Pond B, where it can enter the drainage swale flowing to Pond B. Although the vegetative strip between the foot of the temporarily capped area and the swale provided a line of protection, some floatable material was observed in the swale at the time of the CEI (see photograph P7170340).
 - d. Among other things, Part 3.12.4 of the SWPPP states that proposed erosion and sediment controls to be implemented during development of the new landfill cells and down gradient of mining and stockpile areas include, among other things, riprap swale lining, stone check dams within swales, silt fence, seed and mulch. At the time of the CEI, erosion and sediment controls had not been installed on the north side of the Site, down gradient of the overburden crushing activities. As identified in photos P7170353, P7170355 and P7170356, the perimeter drainage swale (eventually reaching Pond A) was filled with sediment at this location. In addition, weekly inspection records indicated that erosion and sediment controls were not being inspected.

2. As previously mentioned, the Facility experienced an exceedance of the 30-day average numeric effluent limit for TSS in 2011. The daily max for TSS was not exceeded. In accordance with Part IV.B.1.e.(5) of the Permit, exceedance of an effluent limitation constitutes a permit violation. In addition, if there are any exceedances, the owner/operator must identify the cause of the exceedance of the effluent limitation(s); remedy the problems identified by implementation of non-structural and/or structural BMPs to prevent recurrence; revise the facility's SWPPP; and collect an additional sample to determine the effectiveness of corrective actions within the first six (6) months of the following calendar year. Based on the records provided to EPA, it is unclear whether corrective actions were taken, the SWPPP was revised, and whether an additional sample was taken within the first six months of the following calendar year, as required by Part IV.B.1.e.(5) of the MSGP.
3. Based on the records available at the time of the CEI and submitted to EPA thereafter, it is not clear whether the facility has conducted and documented a comprehensive site compliance inspection and evaluation, at least on an annual basis, in accordance with Part IV.A of the Permit and all applicable subparts.

Area of Concern

4. As identified in photographs P7170299, P7170303 – P7170305, the following housekeeping concerns were identified in the maintenance garage on the west side of the Site: oil staining was observed on the floor; 55-gallon drums were not stored on spill pallets and were situated adjacent to a floor drain; and a notable amount of oil was observed in the secondary containment structure for the waste oil tank. According to Mr. Loomis, the floor drains in the maintenance shop flow to a septic tank that outlets to the leachate collection system. Leachate is stored in two (2) storage tanks on-site and is hauled from the Facility to the City of Norwich wastewater treatment plant. During the CEI, Mr. Loomis and the EPA inspector identified what appeared to be the pipe connection from the septic tank to the leachate collection system in a manhole near the maintenance garage. Although discharges to the floor drains do not appear to commingle with stormwater discharging to the unnamed tributary of Fly Meadow Creek, there is no oil/water separator in the maintenance shop, and good housekeeping measures must be implemented to prevent oily discharges to the leachate collection system and ultimately the Norwich wastewater treatment plant.

Findings identified at the time of the CEI were discussed with Mr. Loomis during and at the close of the CEI.

Within forty-five (45) calendar days of receipt of this CEI report, please provide a written response (including photo documentation, where applicable) detailing how the Potential Noncompliance Items and Area of Concern listed in paragraphs 1-4, above, have been addressed.

C. ATTACHMENTS:

1. Photograph Log
2. Photographs

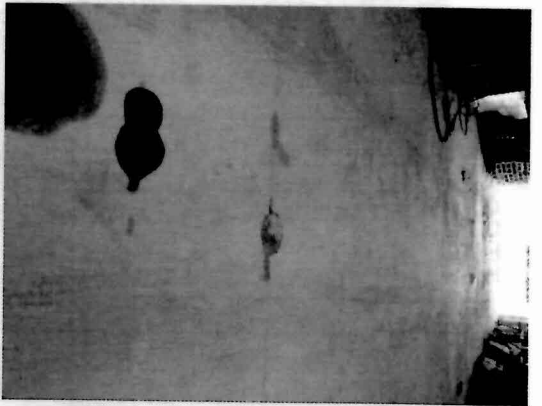
Attachment 1: Photograph Log

Unedited photos taken by Katherine Mann, Physical Scientist, DECA-WCB, USEPA Region 2 on July 17, 2014 with Olympus TG-830 digital camera

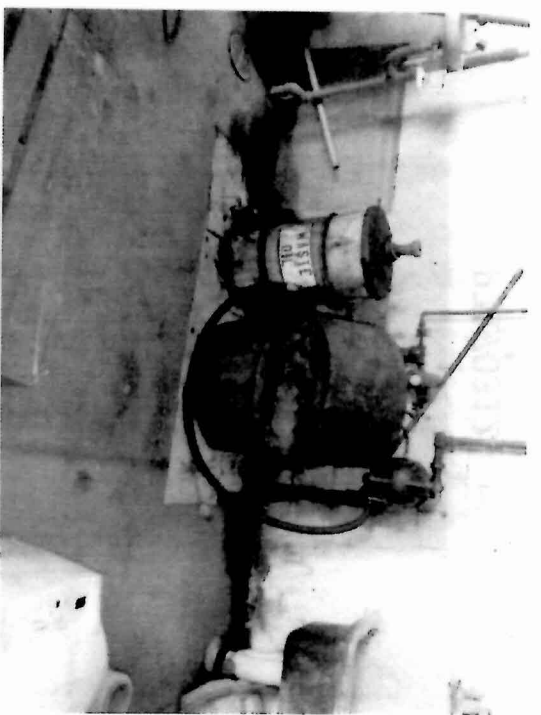
P7170297	Oil stain on the maintenance garage floor located near a floor drain
P7170299	Small waste oil tank stored in maintenance garage; staining was observed on the floor of the garage near the tank
P7170302	Larger (~250 gallon) waste oil tank with concrete secondary containment; oil stains were observed on the floor next to the containment structure. 10-gallon buckets stored on spill pallet next to the oil tank
P7170303	55-gallon drums stored on maintenance garage floor near a floor drain
P7170304	Close up of 55-gallon drums identified in photo P7170303. Additional staining on the garage floor next to the waste oil tank containment structure
P7170305	Oil identified in the waste oil tank containment structure
P7170311	Well-vegetated perimeter drainage swale on the west side of the Site (adjacent to leachate pump station 2)
P7170312	Leachate loading dock and rinse area (collected rinse water is pumped back into leachate collection system)
P7170314	Eutrophication next to outfall structure in Pond A
P7170316	Outfall 001 from Pond A (green algae observed in discharge)
P7170317	Unnamed tributary of Fly Meadow Creek near outfall 001
P7170319	Compost pile next to Pond A
P7170320	Close-up of compost pile contents
P7170328	Uncovered scrap metal dumpster
P7170329	Uncovered scrap metal dumpster
P7170334	Refrigerators and air conditioners stored on the pavement near the scale house
P7170335	Outfall 002 from Pond B
P7170337	Flow path from Outfall 002 south towards the unnamed tributary of Fly Meadow Creek
P7170338	Outfall structure in Pond B
P7170340	Floatable debris (bags, wrappers) identified in the drainage ditch upstream of Pond B
P7170344	Floatable debris at the foot of the temporarily capped area up-gradient of the drainage ditch flowing to Pond B
P7170346	Close-up of floatable debris at the foot of the temporarily capped area with proximity to the drainage ditch; Pond B identified in photo background
P7170347	Close-up of floatable debris with proximity to drainage ditch
P7170351	Stone crushing activity in overburden area on the north side of the Site
P7170352	Area down-gradient of overburden area on the northwest side of the Site (near maintenance garage)

P7170353	Accumulated sediment in perimeter drainage swale down-gradient of overburden area; stormwater conveyed in drainage swale eventually flows to Pond A; unstabilized entrance to overburden area identified in photo background.
P7170355	Downstream end of culvert pipe beneath unstabilized entrance identified in photo P7170353. Sediment/turbid drainage observed in the swale.
P7170356	Accumulated sediment identified in the perimeter drainage swale down-gradient of overburden area.
P7170358	Stormwater basin located north of Cell No. 3 on north side of the Site. Stormwater is pumped from a low sump area on the west side of the basin and discharged to the perimeter drainage swale, which conveys flow to Pond A.
P7170359	Manhole located near maintenance garage identifying what is believed to be the septic tank outlet connection to the leachate collection system.

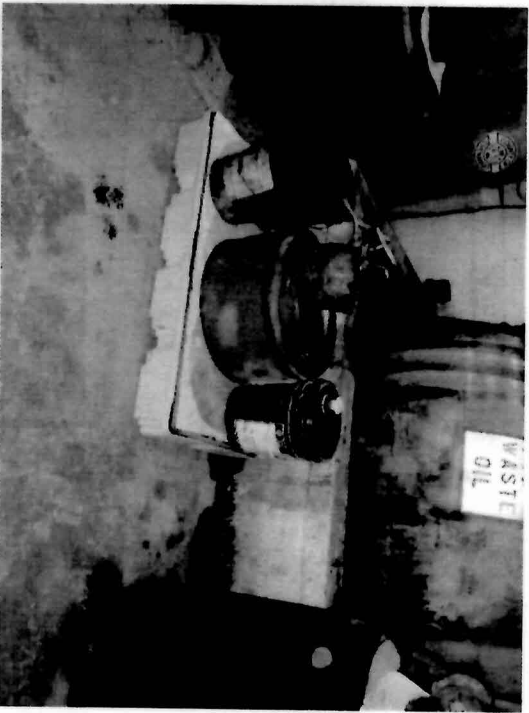
Attachment 2: Photographs



P7170297



P7170299



P7170302

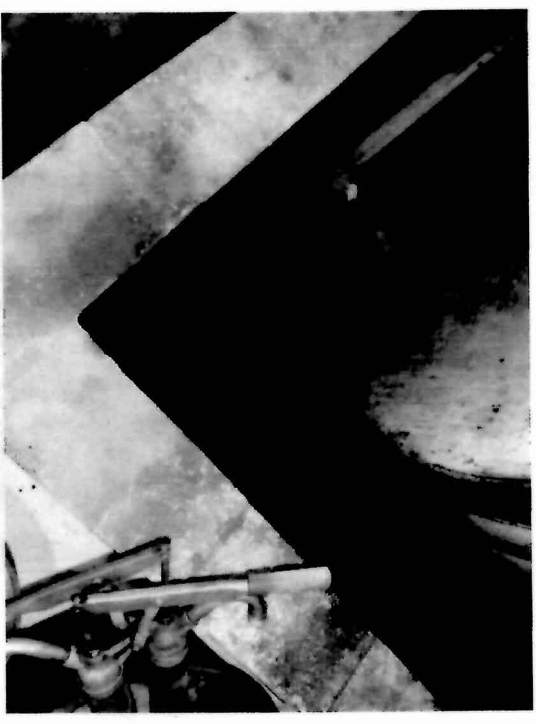


P7170303

Chenango County Landfill (NYR00A517) - July 17, 2015



P7170304



P7170305



P7170311

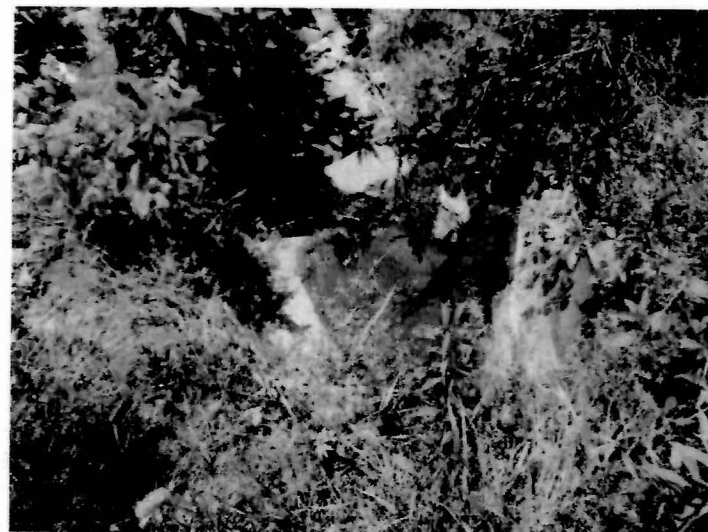


P7170312

Chenango County Landfill (NYR00A517) - July 17, 2015



P7170314



P7170316



P7170317



P7170319

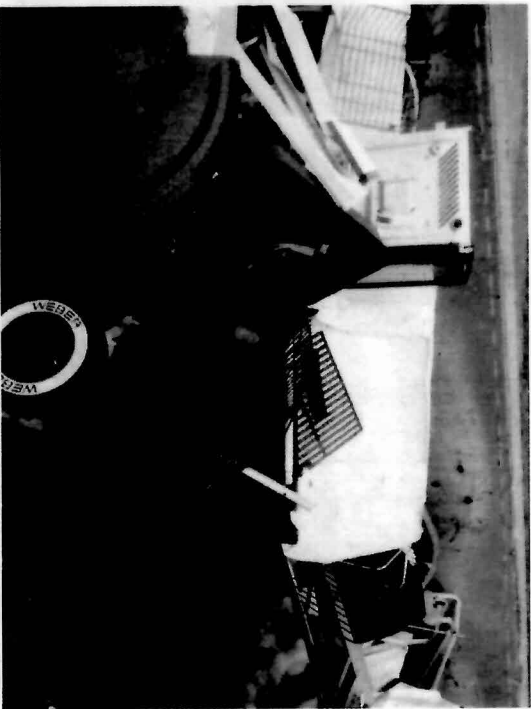
Chenango County Landfill (NYR00A517) - July 17, 2015



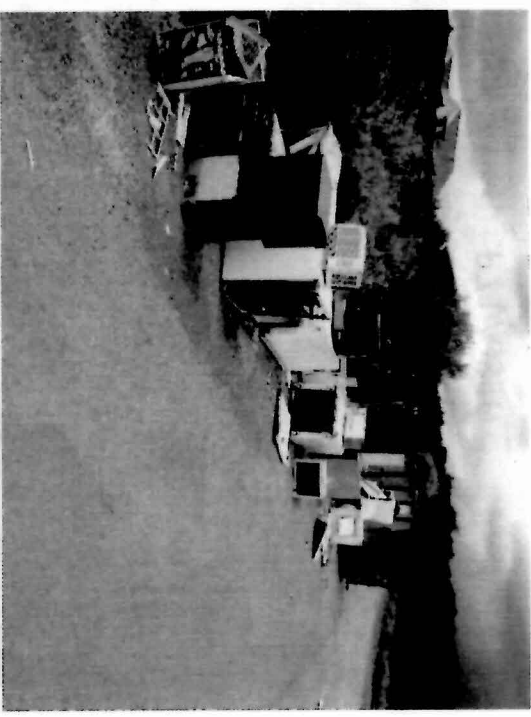
P7170320



P7170328



P7170329

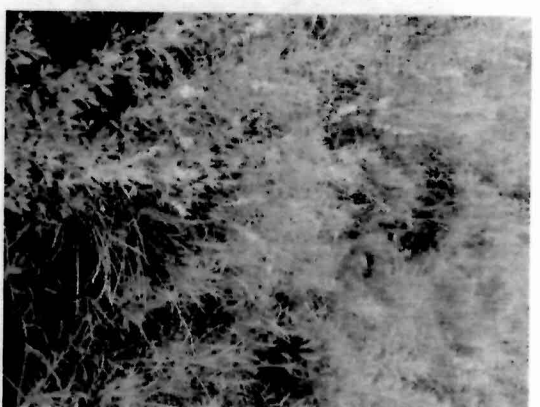


P7170334

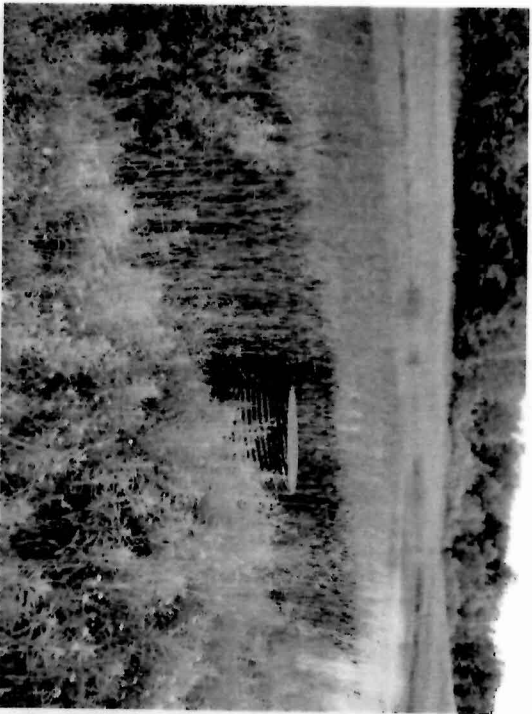
Chenango County Landfill (NYR00A517) - July 17, 2015



P7170335



P7170337



P7170338



P7170340

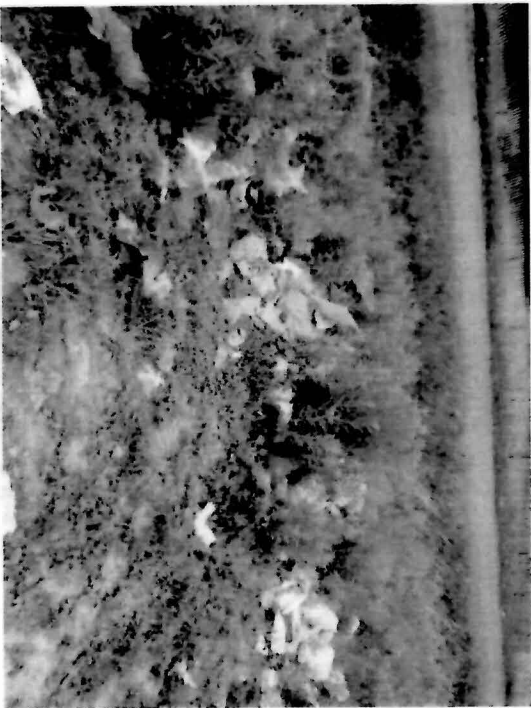
Chenango County Landfill (NYR00A517) - July 17, 2015.



P7170344



P7170346

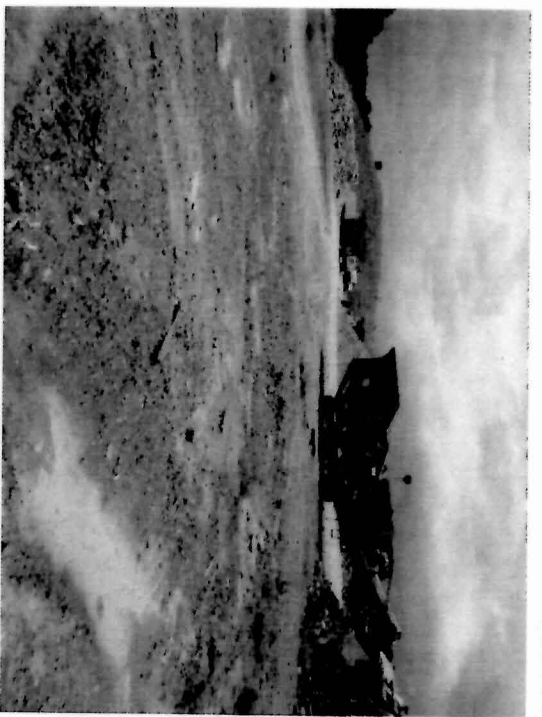


P7170347



P7170351

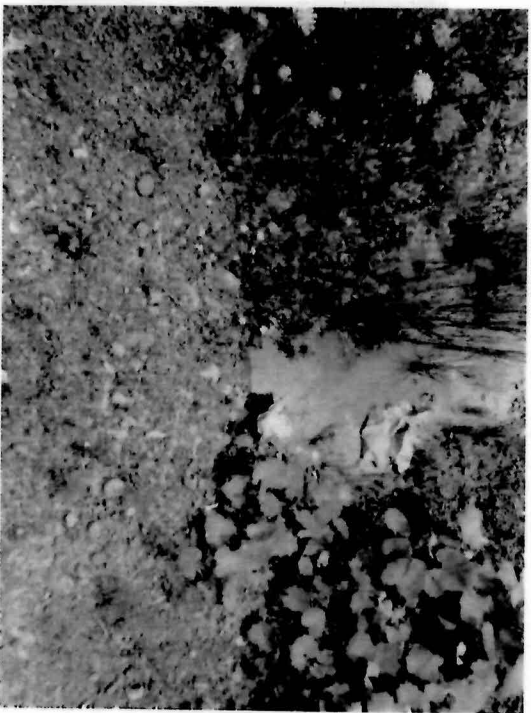
Chenango County Landfill (NYR00A517) - July 17, 2015



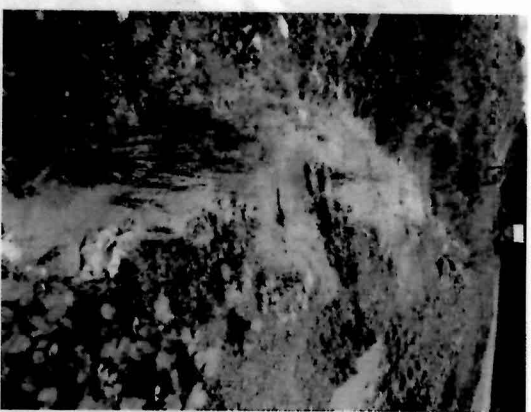
P7170352



P7170353



P7170355

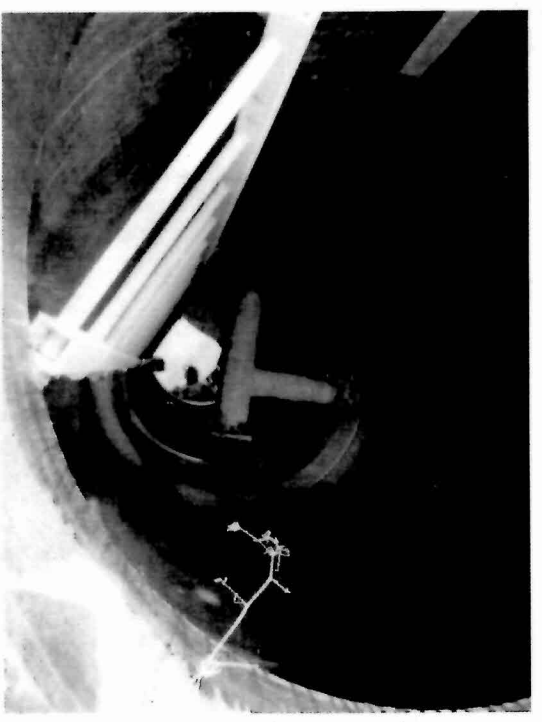


P7170356

Chenango County Landfill (NYR00A517) - July 17, 2015



P7170358



P7170359

Chenango County Landfill (NYR00A517) - July 17, 2015